

Regular Session, 2010

HOUSE BILL NO. 834

BY REPRESENTATIVE GREENE

DIVORCE: Provides relative to judgments of divorce

1 AN ACT

2 To amend and reenact Civil Code Articles 103(1) and 103.1(1)(c) and (2), relative to
3 judgments of divorce; to provide for living separate and apart; to provide relative to
4 a protective order; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Civil Code Articles 103(1) and 103.1(1)(c) and (2) are hereby amended
7 and reenacted to read as follows:

8 Art. 103. Judgment of divorce; other grounds

9 Except in the case of a covenant marriage, a divorce shall be granted on the
10 petition of a spouse upon proof that:

11 (1) The spouses have been living separate and apart continuously for the
12 requisite period of time, in accordance with Article 103.1, or more on the date the
13 petition is filed and until the judgment of divorce is granted;

14 * * *

15 Art. 103.1. Judgment of divorce; time periods

16 The requisite periods of time, in accordance with Articles 102 and 103 shall
17 be as follows:

18 (1) One hundred eighty days:

19 * * *

1 (c) If, after a contradictory hearing or consent decree, a protective order or
2 an injunction has been issued, in accordance with law, against the other spouse to
3 protect the spouse seeking the divorce or a child of one of the spouses from abuse
4 and is in effect at the time the petition for divorce is filed.

5 (2) Three hundred sixty-five days when there are minor children of the
6 marriage at the time the rule to show cause is filed.

7 Section 2. This Act shall become effective upon signature by the governor or, if not
8 signed by the governor, upon expiration of the time for bills to become law without signature
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
11 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Greene

HB No. 834

Abstract: Provides for the procedures for C.C. Art. 103 divorce judgments.

Present law provides that a divorce shall be granted on the petition of a spouse upon proof that the spouses have been living separate and apart for the applicable time period or more on the date the petition is filed.

Proposed law adds an additional requirement that the spouses continue to live separate and apart until the judgment of divorce is granted.

Present law provides that the time period for a C.C. Art.103 divorce shall be 180 days if, after a contradictory hearing, a protective order or injunction has been issued.

Proposed law retains present law and additionally provides that the time period shall be 180 days when, in accordance with a consent decree, a protective order or injunction has been issued.

Present law provides that the time period for a divorce shall be 365 days if there are minor children of the marriage.

Proposed law provides that the determination of whether there are minor children of the marriage occurs at the time the rule to show cause is filed.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends C.C. Arts. 103(1) and 103.1(1)(c) and (2))